

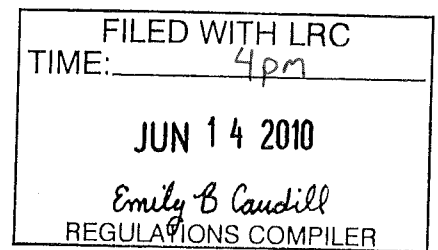
301 KAR 1:410

Taking of fish by nontraditional fishing methods

This administrative regulation establishes the procedures for taking sport and rough fish by other than traditional fish methods.

Significant Changes

This amendment will limit harvest of blue and channel catfish using jugs, limb lines, and trot lines to 15 fish per day and only one over 25 inches in Taylorsville Lake.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 1:410. Taking of fish by nontraditional [~~other than traditional~~] fishing methods.

5 RELATES TO: KRS 150.010, 150.025(1), 150.120, 150.170, 150.175, 150.235, 150.360,

6 150.370, 150.440, 150.445, 150.620, 150.990

7 STATUTORY AUTHORITY: KRS 150.025(1), 150.440, 150.470[~~, EO-2008-516~~]

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department

9 to promulgate administrative regulations to establish seasons for the taking of fish and wildlife

10 and to regulate bag or creel limits. KRS 150.440 authorizes the department to promulgate

11 administrative regulations for establishing open seasons and creel limits for rough fish by

12 gigging, grabbing, snaring, and snagging. KRS 150.470 authorizes the department to promulgate

13 regulations for bag or creel limits for fish. This administrative regulation establishes the

14 procedures for taking sport and rough fish by nontraditional fishing methods including

15 underwater spearing, scuba diving, sport fishing trotlines, jugging and setlines, gigging and

16 snagging, grabbing, bow fishing, and the taking of rough fish from backwaters.

17 Section 1. Definitions. (1) "Archery equipment" means a long bow, recurve bow, or compound

18 bow incapable of holding an arrow at full or partial draw without aid from the archer.

19 (2) "Bowfishing" means shooting rough fish with an arrow with a barbed or retractable style

20 point that has a line attached to it for retrieval with archery equipment or a crossbow.

1 (3) "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial
2 draw without the aid from an archer.

3 (4) "Cull" means to release a previously caught fish that an angler has kept as a part of a daily
4 creel limit and replace it with another fish of the same species.

5 (5) "Sport fisherman" means a person holding a valid resident or nonresident fishing license and
6 includes those persons who are license exempt pursuant to KRS 150.170.

7 (6) "Temporary aquatic area" means an area temporarily inundated from, but still connected to a
8 stream, river, or reservoir and that persists only for the duration of the elevated water levels.

9 (7) "Temporary pool" means an area temporarily inundated from, but not connected to a stream,
10 river, or reservoir.

11 Section 2. Skin Diving, Scuba Diving, and Underwater Spear Fishing. (1) Skin diving or scuba
12 diving is prohibited in all lakes owned by the department, except as established in subsections (2)
13 and (3) of this section.

14 (2) Skin diving and scuba diving shall be permitted in salvage operations upon receipt of written
15 permission by the diver from the Division of Law Enforcement or the local Conservation Officer
16 assigned to the specific body of water in which the diving is to take place.

17 (3) Skin diving or scuba diving shall be permitted anytime without prior authorization in cases of
18 emergency involving the possibility of saving human life or in the recovery of a victim of
19 drowning.

20 (4) Underwater spearing of fish with a hand held spear or mechanically-propelled spear shall be
21 legal throughout the year in lakes 1,000 acres in size or larger as measured at normal or summer
22 pool level.

23 (a) A participant in this type of sport shall be submerged in the water in which spearing takes

1 place.

2 (b) Only rough fish shall be taken, and an appropriate fishing license shall be required.

3 (c) The daily limit shall be fifteen (15) rough fish, not more than five (5) of which shall be
4 catfish.

5 Section 4. Sport Fishing Trotlines, Jugging, and Setlines. (1) Each sport fishing trotline, jug line,
6 or setline shall be permanently labeled or tagged with the name and address of the person using
7 it.

8 (2) Each trotline, jug line, and setline shall be checked by the owner at least once every twenty-
9 four (24) hours, at which time the owner shall:

10 (a) Bait all hooks; and

11 (b) Remove all caught fish.

12 (3) A trotline, setline, or jug line shall be confiscated if:

13 (a) It is not properly labeled or tagged; or

14 (b) It is not checked or baited at least once every twenty-four (24) hours.

15 (4) A sport fisherman shall not use more than:

16 (a) Two (2) sport fishing trotlines;

17 (b) Twenty-five (25) setlines; or

18 (c) Fifty (50) jug lines.

19 (5) Multiple sport fishermen in one (1) boat shall not use more than fifty (50) jug lines per boat.

20 (6) A person using a sport fishing trotline shall:

21 (a) Set the trotline at least three (3) feet below the water's surface;

22 (b) Not have more than fifty (50) single or multi-barbed hooks; and

23 (c) Have all hooks at least eighteen (18) inches apart on the trotline.

(7) A person shall not use a jug line or setline with more than one (1) single or multi-barbed hook.

(8) Sport fishing trotlines, jugs, or setlines shall not be used in the following waters:

(a) In the Tennessee River within 700 yards of Kentucky Dam;

(b) In the Cumberland River below Barkley Dam to the Highway 62 bridge;

(c) In any lake less than 500 surface acres owned or managed by the department, except:

1. Ballard Wildlife Management Area Lakes, Ballard County;

2. Peal Wildlife Management Area Lakes, Ballard County; and

3. Swan Lakes Wildlife Management Area Lakes, Ballard County; or

(d) In the following areas of the Ohio River;

1. Smithland Dam downstream to a line perpendicular to the end of the outer lock wall;

2. J. T. Meyers Dam downstream to a line perpendicular to the end of the outer lock wall and that portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike;

3. Newburgh Dam downstream to a line perpendicular to the end of the outer lock wall;

4. Cannelton Dam downstream to a line perpendicular to the end of the outer lock wall;

5. McAlpine Dam downstream to the K&I railroad bridge;

6. Markland Dam downstream to a line perpendicular to the end of the outer lock wall;

7. Meldahl Dam downstream to a line perpendicular to the end of the outer lock wall; or

8. Greenup Dam downstream to a line perpendicular to the end of the outer lock wall.

(9) Taylorsville Lake blue and channel catfish limits:

(a) Aggregate daily creel limit of fifteen (15); and

(b) Only one (1) fish of either species in the aggregate daily creel limit shall be longer than

1 twenty-five (25) inches.

2 Section 5. Temporary Aquatic Areas and Temporary Pools. (1) The department, with consent of
3 the landowner, may delineate temporary aquatic areas and temporary pools where rough fish
4 may be taken by any method except:

5 (a) Poison;

6 (b) Electrical devices;

7 (c) Firearms; and

8 (d) Explosives.

9 (2) The department shall be authorized to establish the exact dates and times when rough fish
10 may be taken in temporary aquatic areas and temporary pools.

11 (3) A person shall be required to possess a valid Kentucky fishing license or be license exempt
12 pursuant to KRS 150.170.

13 (4) A person with a valid commercial fishing license may use nets and seines as long as the nets
14 and seines are appropriately tagged, pursuant to 301 KAR 1:146.

15 (5) A person shall first obtain the permission of the landowner before taking rough fish from a
16 temporary pool.

17 Section 6. Gigging and Snagging. (1) Gigging and snagging season shall be February 1 through
18 May 10, except as provided in subsection 7 and 9 of this section;

19 (2) A person shall not:

20 (a) Gig or snag a sport fish, pursuant to 301 KAR 1:060, except as provided in subsection 7 and
21 9 of this section;

22 (b) Gig or snag from a platform;

23 (c) Gig from a boat in a lake with a surface area of less than 500 acres;

- 1 (d) Gig from a boat at night;
- 2 (e) Snag from a boat; or
- 3 (f) Have a snagging rod in excess of seven and one-half (7½) feet in length, including the handle;
- 4 (3) A snagging rod shall be equipped with:
- 5 (a) Line;
- 6 (b) Guides;
- 7 (c) A reel; and
- 8 (d) One (1) single hook or treble hook attached to the line, except that five (5) hooks, either
- 9 single or treble, may be used when snagging in:
- 10 a. The Green River and its tributaries; and
- 11 b. The Rolling Fork River and its tributaries.
- 12 (4) A person who accidentally gigs or snags a sport fish shall immediately return the fish to the
- 13 water, except as provided in subsection 7 and 9 of this section.
- 14 (5) A person shall not gig or snag in the following areas or bodies of water:
- 15 (a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line, including
- 16 Hatchery Creek;
- 17 (b) Any tributary of the Cumberland River below Wolf Creek Dam to the Tennessee line from
- 18 the junction of the tributary with the Cumberland River to one-half (½) mile upstream;
- 19 (c) The Middle Fork of the Kentucky River, from Buckhorn Lake Dam downstream to the
- 20 Breathitt County line in Perry County;
- 21 (d) The Rough River, below Rough River Lake Dam downstream to the State Highway 54 bridge
- 22 in Breckinridge and Grayson Counties;
- 23 (e) Cave Run Lake;

1 (f) Within 200 yards of any dam on a river or stream, except as specified in subsection 7 of this
2 section.

3 (6) A person shall not gig in the Tennessee River below Kentucky Lake Dam.

4 (7) A person may snag sport fish or rough fish in the Tennessee River below the Kentucky Lake
5 Dam to the new U.S. 62 bridge;

6 (a) For twenty-four (24) hours a day from January 1 through May 31; and

7 (b) From sunset to sunrise from June 1 through December 31.

8 (8) A person shall not snag in that section of the Tennessee River from the new U.S. 62 bridge to
9 the Interstate-24 bridge.

10 (9) A person may snag sport fish or rough fish year round in that section of the Tennessee River
11 from the Interstate-24 bridge to the Ohio River.

12 (10) A person shall not snag on the Tennessee River:

13 (a) Under the U.S. 62 bridge;

14 (b) Under the P & L Railroad bridge; and

15 (c) From the fishing piers located below the U.S. 62 bridge.

16 (11) There shall not be a daily creel limit for rough fish except:

17 (a) The daily creel limit for rough fish in the Cumberland River below Barkley Lake Dam shall
18 be eight (8);

19 (b) The daily aggregate creel limit for snagging of rough and sport fish in the Tennessee River
20 below Kentucky Lake Dam shall be eight (8); and

21 (c) The statewide daily creel limit for paddlefish shall be two (2), in all areas outside those
22 described in paragraph (a) and (b) of this subsection, where up to eight (8) paddlefish may be
23 taken.

1 (12) A person shall immediately retain, and not release or cull, any gigged or snagged paddlefish.

2 (13) All snagged fish in the Tennessee River below Kentucky Lake Dam shall be immediately
3 retained, and not released or culled.

4 (14) All gigged or snagged rough fish in the Cumberland River below Barkley Lake Dam shall
5 be immediately retained, and not released or culled, except for shad or herring.

6 (15) A person shall immediately cease snagging if:

7 (a) A daily limit of paddlefish is reached; or

8 (b) A daily limit of sport fish has been caught in the Tennessee River below Kentucky Lake
9 Dam, even if the creel limit for that sport fish is less than eight (8).

10 Section 7. Grabbing (Tickling and Noodling). (1) The grabbing season for rough fish, also
11 known as tickling and noodling, shall be June 1 to August 31 during daylight hours.

12 (2) Tickling and noodling shall be permitted in all waters.

13 (3) The daily creel limit for tickling and noodling shall be fifteen (15) fish, not more than five (5)
14 of which shall be catfish in aggregate.

15 Section 8. Bow Fishing. (1) A person using archery equipment or a crossbow shall not take:

16 (a) Sport fish;

17 (b) More than five (5) catfish in aggregate daily; and

18 (c) More than two (2) paddlefish daily.

19 (2) Any paddlefish or catfish shot with archery equipment or a crossbow shall be immediately
20 retained, and not released or culled, and shall count toward a person's daily limit.

21 (3) Bow fishing shall be open statewide, except:

22 (a) In the Cumberland River below Wolf Creek Dam downstream to the Tennessee line including
23 Hatchery Creek;

1 (b) Any tributary of the Cumberland River below Wolf Creek Dam to the Tennessee line, from
2 the junction of the tributary with the Cumberland River to one-half (½) mile upstream; and

3 (c) From a boat in restricted areas below navigation, power generating, or flood control dams.

4 ~~[KRS 150.025(1) authorizes the department to promulgate administrative regulations pertaining~~
5 ~~to the taking of fish. EO 2008-516, effective June 16, 2008, reorganized and renamed the~~
6 ~~Commerce Cabinet as the new Tourism, Arts and Heritage Cabinet. This administrative~~
7 ~~regulation establishes the procedures for taking sport and rough fish by other than traditional~~
8 ~~fishing methods such as: underwater spearing, and "scuba diving", sport fishing trotlines, jugging~~
9 ~~and setlines, the taking of rough fish from backwaters, gigging and snagging, tickling and~~
10 ~~noedling (hand grabbing), and bow fishing.~~

11 ~~Section 1. Definitions. (1) "Archery equipment" means a long bow, recurve bow, or compound~~
12 ~~bow incapable of holding an arrow at full draw without aid from the archer.~~

13 ~~(2) "Bowfishing" means shooting rough fish with an arrow with a barbed or retractable style~~
14 ~~point that has a line attached to it for retrieval with archery equipment or a crossbow.~~

15 ~~(3) "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial~~
16 ~~draw without the aid from an archer.~~

17 ~~(4) "Cull" means to replace a fish in your daily creel limit with another fish of the same species.~~

18 ~~(5) "Jugging" is defined by KRS 150.010(15).~~

19 ~~(6) "Rough fish" is defined by KRS 150-010(32).~~

20 ~~(7) "Setline" is defined by KRS 150.010(34).~~

21 ~~(8) "Snagging" is defined by KRS 150.010(35).~~

22 ~~(9) "Sport fisherman" means a person holding a valid resident or nonresident fishing license and~~
23 ~~includes those persons who are license exempt as specified in KRS 150.170.~~

1 ~~(10) "Sport fishing trotline" is defined by KRS 150.010(36).~~

2 ~~Section 2. Sport fishermen shall comply with the requirements in this administrative regulation.~~

3 ~~Section 3. Skin and Scuba Diving and Underwater Spear Fishing. (1) Skin or scuba diving is~~
4 ~~prohibited in all lakes owned by the department, except as established in subsections (2) and (3)~~
5 ~~of this section.~~

6 ~~(2) Skin or scuba diving shall be permitted in salvage operations upon receipt of written~~
7 ~~permission by the diver from the Division of Law Enforcement or the local Conservation Officer~~
8 ~~assigned to the specific body of water in which the diving is to take place.~~

9 ~~(3) Skin or scuba diving shall be permitted anytime without prior authorization in cases of~~
10 ~~emergency involving the possibility of saving human life or in the recovery of a victim of~~
11 ~~drowning.~~

12 ~~(4) Underwater spearing of fish with hand held spear or mechanically propelled spear shall be~~
13 ~~legal throughout the year in lakes 1,000 acres in size or larger as measured at normal or summer~~
14 ~~pool level.~~

15 ~~(a) A participant in this type of sport shall be submerged in the water in which spearing takes~~
16 ~~place.~~

17 ~~(b) Only rough fish shall be taken, and an appropriate fishing license shall be required.~~

18 ~~(c) The daily limit is fifteen (15) rough fish of which not more than five (5) shall be catfish~~
19 ~~(aggregate).~~

20 ~~Section 4. Sport Fishing Trotlines, Jugging, and Setlines. (1) Tagging and Checking.~~

21 ~~(a) Each sport fishing trotline, jug line, or setline shall be permanently labeled or tagged with the~~
22 ~~name and address of the person using it.~~

23 ~~(b) All sport fishing trotlines, jug lines, and setlines shall be baited, checked and all fish removed~~

at least once every twenty four (24) hours.

~~(c) The fisherman shall remove these devices from the water, from the bank, or from tree limbs when finished fishing.~~

~~(d) Trotlines, setlines, or jug lines that are not properly labeled, remain unchecked, or unbaited for over twenty four (24) hours shall be confiscated.~~

~~(2) Fishing requirements:~~

~~(a) An individual sport fisherman shall not use more than:~~

~~1. Two (2) sport fishing trotlines;~~

~~2. Twenty five (25) setlines; or~~

~~3. Fifty (50) jug lines.~~

~~(b) A boat containing multiple sport fishermen shall not use more than fifty (50) jug lines per boat.~~

~~(c) Sport fishing trotlines shall be set at least three (3) feet below the water's surface and contain not more than fifty (50) single or multibarbed hooks placed not closer together than eighteen (18) inches.~~

~~(d) A jug line or setline shall not have more than one (1) single or multibarbed hook.~~

~~(e) An appropriate fishing license shall be required.~~

~~(3) Closed waters. Sport fishing trotlines, jugs, or setlines shall not be used in the following waters:~~

~~(a) In the Tennessee River within 700 yards of Kentucky Dam;~~

~~(b) In the Cumberland River below Barkley Dam to the Highway 62 bridge;~~

~~(c) In any lake less than 500 surface acres owned or managed by the department, except:~~

~~1. Ballard Wildlife Management Area Lakes, Ballard County;~~

1 ~~2. Peal Wildlife Management Area Lakes, Ballard County; and~~

2 ~~3. Swan Lakes Wildlife Management Area Lakes, Ballard County; or~~

3 ~~(d) In the following areas of the Ohio River;~~

4 ~~1. Smithland Dam downstream to a line perpendicular to the end of the outer lock wall;~~

5 ~~2. J. T. Meyers Dam downstream to a line perpendicular to the end of the outer lock wall and that~~
6 ~~portion of the split channel around the southern part of Wabash Island from the fixed weir dam~~
7 ~~to the first dike;~~

8 ~~3. Newburgh Dam downstream to a line perpendicular to the end of the outer lock wall;~~

9 ~~4. Cannelton Dam downstream to a line perpendicular to the end of the outer lock wall;~~

10 ~~5. McAlpine Dam downstream to the K&I railroad bridge;~~

11 ~~6. Markland Dam downstream to a line perpendicular to the end of the outer lock wall;~~

12 ~~7. Meldahl Dam downstream to a line perpendicular to the end of the outer lock wall; or~~

13 ~~8. Greenup Dam downstream to a line perpendicular to the end of the outer lock wall.~~

14 ~~(4) Taylorsville Lake blue and channel catfish daily harvest limits.~~

15 ~~(a) Fifteen (15) catfish (in aggregate) may be harvested; only one (1) may be over twenty five~~
16 ~~(25) inches.~~

17 ~~Section 5. Rough Fish from Backwaters. (1) The Commissioner of the Department of Fish and~~
18 ~~Wildlife Resources may give a conservation officer or another employee of the department~~
19 ~~authority to establish areas and supervise the taking of all types of rough fish as described in 301~~
20 ~~KAR 1:060 from the backwaters, or overflow areas of streams, rivers, or reservoirs as long as the~~
21 ~~backwater, or overflow area shall be connected with the stream, river or reservoir.~~

22 ~~(2) If the backwater is no longer connected with the stream or reservoir, the landowner may,~~
23 ~~under the supervision of the conservation officer or another employee of the department, direct~~

1 the taking of rough fish in accordance with this administrative regulation.

2 ~~(3) A conservation officer or another employee of the department shall not permit the taking of~~
3 ~~any fish from any slough, backwater, or overflow area without first having the permission of the~~
4 ~~landowner on whose land the water has overflowed.~~

5 ~~(4) The conservation officer or another employee of the department shall be authorized to~~
6 ~~determine the exact dates and time taking of these rough fish shall commence and cease.~~

7 ~~(5) A person engaged in this type of fishing shall have an appropriate fishing license.~~

8 ~~(6)(a) Fish may be taken in the areas established in subsection (1) of this section by any method~~
9 ~~except by the use of poison, electrical devices, or firearms.~~

10 ~~(b) If nets and seines are used, they shall be appropriately tagged and the user shall have an~~
11 ~~appropriate commercial fishing license.~~

12 ~~Section 6. Giggling and Snagging. (1) Season and methods of giggling and snagging.~~

13 ~~(a) Giggling and snagging shall be permitted February 1 through May 10, except as provided in~~
14 ~~subsection (3)(c) of this section.~~

15 ~~(b) A person may gig or snag from the bank of a stream or lake, but shall not gig or snag from a~~
16 ~~boat or platform, except that giggling shall be permitted from a boat in any lake with a surface~~
17 ~~acreage of 500 acres or larger during the daylight hours.~~

18 ~~(c) Persons may gig rough fish through the ice if the surface is frozen thick enough to stand on,~~
19 ~~and the gigger shall gig while supported by the ice.~~

20 ~~(2) Snagging equipment.~~

21 ~~(a) A snagging rod shall not exceed a length of seven and one half (7 1/2) feet including the~~
22 ~~handle.~~

23 ~~(b) The rod shall be equipped with line, guides, and a reel.~~

~~(c) Fish may be taken by snagging using one (1) single or treble hook attached to the line except in the Green River and its tributaries and the Rolling Fork River and its tributaries, where five (5) hooks, either single or treble may be used.~~

~~(3) Areas open to gigging and snagging.~~

~~(a) Gigging or snagging for rough fish shall be permitted night and day in lakes and streams, except as prohibited by subsection (1) of this section and paragraphs (b) and (c) of this subsection.~~

~~(b) Gigging and snagging shall be prohibited in the following lakes, streams, and their tributaries:~~

~~1. The Cumberland River below Wolf Creek Dam downstream to the Tennessee line including Hatchery Creek, and in the Cumberland River in the area below Barkley Lake Dam downstream to US 62 bridge;~~

~~2. The Middle Fork of the Kentucky River, from Buckhorn Lake Dam downstream to the Breathitt County line in Perry County;~~

~~3. The Rough River, below Rough River Lake Dam Downstream to Highway 54 Bridge in Breckinridge and Grayson Counties;~~

~~4. Cave Run Lake;~~

~~5. Those tributaries to the Cumberland River below Wolf Creek Dam downstream to the Tennessee line shall be open to gigging and snagging, in season, except that portion of each tributary that is within one-half (1/2) mile of its junction with the Cumberland River; and~~

~~6. Within 200 yards of any dam on any stream, except as specified in paragraph (c) of this subsection pertaining to the Tennessee River below Kentucky Lake Dam.~~

~~(c) Rough Fish may be taken only by snagging in the Tennessee River below Kentucky Lake~~

1 ~~Dam; gigging shall be prohibited.~~

2 ~~1. Snagging shall be permitted in the Tennessee River between the Kentucky Lake Dam and the~~
3 ~~new US 62 Bridge twenty-four (24) hours per day from January 1 through May 31.~~

4 ~~2. From June 1 through December 31, snagging shall only be permitted from sunset to sunrise~~
5 ~~(local time) between the Kentucky Lake Dam and the new US 62 Bridge.~~

6 ~~3. Snagging shall be prohibited year round in the Tennessee River from the new US 62 Bridge to~~
7 ~~the I-24 Bridge.~~

8 ~~4. Snagging shall be permitted year round in the Tennessee River from the I-24 Bridge to its~~
9 ~~confluence with the Ohio River.~~

10 ~~5. Snagging shall not be permitted under the US 62 bridge, the P&L Railroad bridge, or from the~~
11 ~~fishing piers located below the new US 62 Bridge.~~

12 ~~(4) Creel limits.~~

13 ~~(a) The statewide daily creel limit for rough fish taken by gigging and snagging in areas open,~~
14 ~~except in the Tennessee River below Kentucky Lake Dam and in the Cumberland River below~~
15 ~~Barkley Lake Dam as established in paragraphs (b) and (c) of this subsection shall be unlimited~~
16 ~~except that only two (2) paddlefish may be taken daily statewide.~~

17 ~~1. All gigged or snagged paddlefish, in all areas open to gigging and snagging, shall be taken into~~
18 ~~immediate possession and shall not be released or culled.~~

19 ~~2. Once the daily limit of paddlefish has been reached, all snagging shall cease.~~

20 ~~3. All sport fish that are gigged or snagged in all waters open to gigging or snagging, except in~~
21 ~~the Tennessee River below Kentucky Lake Dam as established in paragraph (b) of this section,~~
22 ~~shall be immediately returned to the water, regardless of condition.~~

23 ~~(b) The daily gigging and snagging limit for rough fish in the Cumberland River below Barkley~~

1 ~~Lake Dam shall be eight (8) fish, including paddlefish.~~

2 ~~1. All rough fish, including paddlefish, shall be taken into immediate possession (no cull), except~~
3 ~~for shad or herring.~~

4 ~~2. All sport fish that are gigged or snagged shall be immediately returned to the water, regardless~~
5 ~~of condition.~~

6 ~~(c) The daily limit for fish in the Tennessee River below Kentucky Lake Dam that are open to~~
7 ~~only snagging shall be a maximum of eight (8) fish, including paddlefish.~~

8 ~~1. All fish snagged, including paddlefish and sport fish, shall be taken into immediate possession~~
9 ~~(no cull), except for shad or herring.~~

10 ~~2. Snagging shall cease if a daily limit of sport fish has been obtained, even if the creel limit for~~
11 ~~that sport fish is less than eight (8).~~

12 ~~Section 7. Tickling and Noodling (Hand Grabbing). (1) The tickling and noodling (hand~~
13 ~~grabbing) season for rough fish shall be June 1 to August 31 during daylight hours.~~

14 ~~(2) Tickling and noodling shall be permitted in all waters.~~

15 ~~(3) The daily creel limit for tickling and noodling shall be fifteen (15) fish of which not more~~
16 ~~than five (5) shall be catfish (aggregate).~~

17 ~~Section 8. Bow Fishing. (1) A person shall not take with archery equipment or a crossbow:~~

18 ~~(a) Sport fish, as listed in 301 KAR 1:060, Section 1;~~

19 ~~(b) More than five (5) catfish (aggregate); and~~

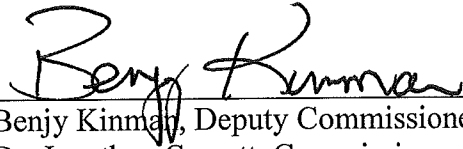
20 ~~(c) More than two (2) paddlefish daily.~~

21 ~~(2) All paddlefish and catfish shot with archery equipment or a crossbow shall be taken into~~
22 ~~immediate possession and counted toward the daily limit and shall not be released or culled.~~

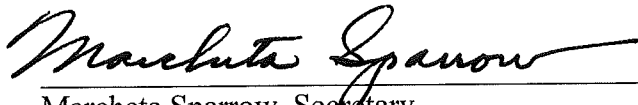
23 ~~(3) Bow fishing shall be open statewide, except:~~

- 1 ~~a. In the Cumberland River below Wolf Creek Dam downstream to the Tennessee line including~~
- 2 ~~Hatchery Creek, and all tributaries within one half (1/2) mile of their junction with the~~
- 3 ~~Cumberland River within this area; or~~
- 4 ~~b. From a boat in restricted areas below navigation, power generating, or flood control dams.]~~

Approved by the Fish and Wildlife Commission December 4, 2009.



Benjy Kinman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources



Marcheta Sparrow, Secretary
Tourism, Arts and Heritage Cabinet

06/14/10
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2010, at 11 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made available unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by August 2, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Kentucky Department of Fish and Wildlife Resources
1 Sportsman's Lane
Frankfort, Kentucky 40601.
(502) 564-7109, Ext. 4507 FAX (502) 564-9136

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 1:410. Taking of fish by other than traditional fishing methods.
Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for taking sport and rough fish by other than traditional fish methods.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to effectively manage the fish populations of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to regulate creel limits and possession limits of fish, to fix open seasons, to regulate the type of any device and methods used, and areas that are open to take fish. KRS 150.440 authorizes the Department to set seasons and creel limits for rough fish. KRS 150.470 authorizes the department to set size, season, and possession limits.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will full fill the purposes of KRS 150.025, KRS 150.440, and KRS 150.470 by regulating the devices and methods used, areas open, and setting the seasons and limits that are to be used when taking fish with non-traditional fishing methods.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will limit harvest of blue and channel catfish using jugs, limb lines, and trot lines to 15 fish per day and only one over 25 inches in Taylorsville Lake.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to prevent over harvest of catfish in Taylorsville Lake. Blue catfish are easily targeted using these nontraditional fishing methods, and the catfish are currently harvested in higher numbers than we can stock. Our intent for stocking blue catfish in this reservoir was to establish a trophy fishery, but most of the fish are harvested before they can attain trophy sizes.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who fish using nontraditional methods in Taylorsville Lake in Kentucky will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Individuals who fish with

nontraditional gear on Taylorsville Lake will be limited to harvest 15 catfish of which only one will be over 25 inches.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the anglers.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By complying with this administrative regulation, the anglers will eventually have the opportunity to catch larger catfish, and since the creel restriction will affect only a few anglers, more anglers will catch more catfish.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation change will result in no initial change in cost.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied because all anglers are treated equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 1:410

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No _____

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Fisheries and Law Enforcement will be impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025 authorizes the Department to promulgate administrative regulations to regulate creel limits and possession limits of fish, to fix open seasons, to regulate the type of any device and methods used, and areas that are open to take fish. KRS 150.470 authorizes the department to set size, season, and possession limits.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: